



AN ACT LIMITING DISMISSALS IN JUSTICES' COURT; AMENDING SECTION 25-31-409, MCA; AND REPEALING SECTION 25-33-207, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-31-409, MCA, is amended to read:

"25-31-409. ~~Alias~~ Limitation on dismissal -- alias summons. (1) A case is not subject to dismissal by the court for nonservice or failure to proceed during the time that the summons is valid.

(2) If the summons is returned without being served upon any or all of the defendants, the justice, upon the ~~demand~~ request of the plaintiff, may issue an alias summons in the same form as the original. The justice may, within 2 years from the date of the filing of the complaint, issue as many alias summonses as may be ~~demanded~~ requested by the plaintiff."

Section 2. Repealer. Section 25-33-207, MCA, is repealed.

- END -

I hereby certify that the within bill,
SB 0400, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE BILL NO. 400
INTRODUCED BY J. LASLOVICH

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